

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

LISA MURPHY, INDIVIDUALLY  
AND AS MOTHER AND NEXT  
FRIEND OF D.B.,

Plaintiffs,

V.

FRANKLIN REGIONAL HOSPITAL  
and the UNITED STATES OF AMERICA,

Defendants.

Civil No. 06-459-JD

**PLAINTIFFS' ASSENTED-TO MOTION FOR VOLUNTARY DISMISSAL OF  
THEIR CLAIMS AGAINST FRANKLIN REGIONAL HOSPITAL**

NOW COME the plaintiffs, by and through their attorneys, Abramson, Brown & Dugan,  
and move this Court as follows:

1. Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, the plaintiffs move to dismiss their claims against Franklin Regional Hospital, with prejudice, with each party to bear its own costs and fees.
2. The plaintiffs intend to continue to prosecute their claims against the United States of America.
3. Counsel for all parties assent to this motion. See Local Rule 7.1(c).
4. Plaintiffs' counsel certifies that a separate memorandum of law is not necessary because the requested relief is within the sound discretion of the Court. See Local Rule 7.1(a)(2).

WHEREFORE, the plaintiffs respectfully request that this Honorable Court grant their motion, dismiss their claims against Franklin Regional Hospital with prejudice with each party to bear its own costs and fees, and grant such further relief as may be appropriate.

Respectfully submitted

Lisa Murphy, Individually and as Mother  
and Next Friend of D.B.

By Their Attorneys:

ABRAMSON, BROWN & DUGAN

DATED: October 17, 2008

BY: /s/ Jared R. Green  
Jared R. Green, Esquire  
1819 Elm Street  
Manchester, NH 03104  
(603) 627-1819  
NH Bar No. 10000

### **CERTIFICATE OF SERVICE**

I hereby certify that on this date a copy of the foregoing was sent via the Court's electronic filing transmission facilities to:

Gretchen Leah Witt, Esquire  
Assistant U.S. Attorney  
Chief, Civil Division  
NH Bar No. 2775  
53 Pleasant Street  
Concord, NH 03301  
(603) 225-1552  
[gretchen.witt@usdoj.gov](mailto:gretchen.witt@usdoj.gov)

and

Ronald J. Lajoie, Esquire  
Wadleigh, Starr & Peters  
95 Market Street  
Manchester, NH 03101  
(603) 669-4140  
[rlajoie@wadleighlaw.com](mailto:rlajoie@wadleighlaw.com)

and

Mary E. Schwarzer, Esquire  
Office of Medicaid Business and Policy  
NH Department of Health and Human Services  
129 Pleasant Street, Brown Building  
Concord, NH 03301-3857  
(603) 271-4995  
[Mary.E.Schwarzer@dhhs.state.nh.us](mailto:Mary.E.Schwarzer@dhhs.state.nh.us)

/s/ Jared R. Green  
Jared R. Green, Esquire (#10000)